

SCOTT N. SCHOOLS, SC SBN 9990  
 United States Attorney  
 JOANN M. SWANSON, CSBN 88143  
 Assistant United States Attorney  
 Chief, Civil Division  
 ILA C. DEISS, NY SBN 3052909  
 Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
 San Francisco, California 94102  
 Telephone: (415) 436-7124  
 FAX: (415) 436-7169

Attorneys for Defendants

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

XILING CHEN,

Plaintiff,

v.

ALBERTO GONZALES, Attorney General of  
 the United States; MICHAEL CHERTOFF,  
 Secretary of the Department of Homeland  
 Security; EMILIO GONZALES, Director of  
 United States Citizenship & Immigration  
 Services; ROBERT MEULLER, Director of the  
 Federal Bureau of Investigations; GERARD  
 HEINAUER, Director of the Nebraska Service  
 Center,

Defendants.

No. C 07-4698 PVT

**PARTIES' JOINT REQUEST TO BE  
 EXEMPT FROM FORMAL ADR  
 PROCESS**

Each of the undersigned certifies that he or she has read either the handbook entitled "Dispute Resolution Procedures in the Northern District of California," or the specified portions of the ADR Unit's Internet site <[www.adr.cand.uscourts.gov](http://www.adr.cand.uscourts.gov)>, discussed the available dispute resolution options provided by the court and private entities, and considered whether this case might benefit from any of them.

Here, the parties agree that referral to a formal ADR process will not be beneficial because this mandamus action is limited to plaintiff's request that this Court compel defendants to adjudicate

PARTIES' JOINT REQUEST TO BE EXEMPT FROM FORMAL ADR PROCESS  
 C07-4698 PVT

1 her application for adjustment of status. Given the substance of the action and the lack of any  
2 potential middle ground, ADR will only serve to multiply the proceedings and unnecessarily tax  
3 court resources.

4 Accordingly, pursuant to ADR L.R. 3-3(c), the parties request the case be removed from the  
5 ADR Multi-Option Program and that they be excused from participating in the ADR phone  
6 conference and any further formal ADR process.

7 Dated: November 26, 2007

Respectfully submitted,

8 SCOTT N. SCHOOLS  
9 United States Attorney

10  
11 /s/  
12 ILA C. DEISS  
13 Assistant United States Attorney  
14 Attorney for Defendants

15 Dated: November 26, 2007

16 /s/  
17 TRICIA WANG  
18 Attorney for Plaintiff

19  
20  
21 **ORDER**

22 Pursuant to stipulation, IT IS SO ORDERED.  
23  
24  
25  
26  
27  
28

Date:

PATRICIA V. TRUMBULL  
United States Magistrate Judge